

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.73895

Noel B. Jacob
Carlene Jacob

3501 Millvale Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 11, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302, failure to repair/replace defective fence; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 428, failure to cease illegal parking/storage of unlicensed vehicles on the premises on residential property zoned DR 5.5 known as 3501 Millvale Road, 21244.

On April 16, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$13,200.00 (thirteen thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Noel Jacob, Respondent, and Paul Cohen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 15, 2010 for removal of untagged/inoperative motor vehicles and for repair of defective fence. This Citation was issued on April 16, 2010.

B. Inspector Paul Cohen testified that inspections in March 2010 and April 2010 found two unlicensed vehicles parked on this residential property, and a fence that needs repair. Re-inspection on May 10, 2010 found the Lexus removed but the untagged Ford still parked on the property, and the fence still not repaired.

C. Photographs in the file show a Lexus sedan and a Ford SUV without current license tags. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

D. Photographs show a wood picket privacy fence in the rear yard, with sections missing and some sections partially falling down. Respondent is not required to have a fence on this property, but if a fence is present it must be in good repair. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping "Fencing on the premises in good repair and in a structurally sound condition." Baltimore County Code Section 35-5-302(b)(7).

E. Respondent Noel Jacob testified that he has arranged for a friend to tow the second car away the day after this Hearing. He further testified that he wants to keep the rear fence so his children can play in the rear yard, and that he will repair the fence by the end of the week. Because compliance is the goal of code enforcement, and there are no prior violations at this property, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by May 27, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 13th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.